

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONTGOMERY CARL AKERS,

Plaintiff,

vs.

JAMES KESZEI, *et al.*,

Defendants.

Case No. 2:07-cv-00572-JCM-GWF

ORDER

Motion to Vacate Response
Date (#346)

This matter comes before the Court on Plaintiff's Motion to Vacate the Date for Response to Defendant's Motion to Revoke Plaintiff's IPF Status and Motion to Dismiss (#346), filed on December 8, 2011 and Defendants' Response to Plaintiff's Motion to Vacate Briefing Schedule (#348), filed on December 14, 2011. Plaintiff requests that the Court vacate the response deadline of December 20, 2011 for Defendant's pending Motion to Revoke Plaintiff's IPF Status (#324) and Motion to Dismiss (#325). Plaintiff argues that he has been unable to retain counsel due to unforeseen circumstances, and that he cannot effectively go forward without counsel. Plaintiff therefore requests that the Court vacate the response date until Plaintiff is able to retain counsel or the Court appoints him counsel.¹ Defendants oppose Plaintiff's motion, arguing that Plaintiff has already had over 75 days to respond to the pending motions, and Plaintiff has failed to show good cause for any further extensions.

The Court previously granted Plaintiff an extension of time to respond to Defendant's pending motions, but cautioned Plaintiff that "any further request to extend the response deadline will not be looked upon favorably by the Court." (*See* # 342.) Upon review and consideration, the

¹Plaintiff currently has a Motion for Appointment of Counsel in a Limited Capacity (#345) pending before the Court.

1 Court will not grant Plaintiff's request. Plaintiff has had over two months to secure counsel and
2 file a response to the pending motions and has failed to do so. Plaintiff, in pro per, has litigated this
3 case since it commenced in 2007. The Court finds no reason why Plaintiff cannot file a response to
4 the pending motions without the assistance of counsel. The Court will not vacate the response date
5 until Plaintiff obtains counsel. Given the amount of time that this motion has been pending before
6 the Court, the Court will grant Plaintiff some relief from the December 20, 2011 response deadline.
7 Plaintiff shall have until January 3, 2012 to respond to Defendant's Motion to Revoke Plaintiff's
8 IPF Status (#324) and Motion to Dismiss (#325). Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Vacate the Date for Response to
10 Defendant's Motion to Revoke Plaintiff's IPF Status and Motion to Dismiss (#346) is **denied**.
11 Plaintiff shall have until **January 3, 2012** to respond to Defendant's Motion to Revoke Plaintiff's
12 IPF Status (#324) and Motion to Dismiss (#325).

13 DATED this 15th day of December, 2011.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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